

Re: Amendments to this court's Local Rules effective January 1, 2006

The Supreme Court's rescission of Part 2 and revision of Part 3 of its Rules necessitate changes to this court's local civil rules. The amendments to Rule 1 only substitute "3:19" for "2:7" in paragraphs (B)(3) and (D)(1). Rule 1 is otherwise unchanged.

In Rule 2 changes are made to (A)(3)(a), (4), and (5) to delete "motion for judgment" and other soon to be obsolete terms and to (F)(3) and (4) to substitute new Supreme Court rule numbers for the existing numbers. The other changes are as follows.

(A)(3)(b) - The last sentence has been deleted as there are few contested *pro se* divorces and they are usually set for trial at the Friday afternoon scheduling conferences.

(A)(5) - Motions to dismiss have been added as such motions are sometimes the first defensive pleading filed. This was done for clarity.

(B)(1) - The time in which to make a demand for trial by jury and the manner in which to make a subsequent waiver will be governed by new Supreme Court Rules 3:21(b) and (d) and 3:22(a), rendering this paragraph unnecessary. The remaining paragraphs are re-numbered.

Present (B)(3) and (4); [new (B)(2)] - Some judges do not review *voir dire* with counsel, but in most cases the judge has some discussion with counsel before the trial begins. These changes are intended to conform the rules to the actual practice, and, it is hoped, to remind counsel to appear in a timely manner so the trial itself can begin at 9:30 a.m. and jurors not be unnecessarily detained.

New (G)(3) - "Civil Cover Sheet - Counsel for the plaintiff shall attach a completed civil cover sheet (on a form to be provided by the Clerk) to the initial pleading filed." Existing paragraphs (3) and (4) would be re-numbered. The Clerk's Office requests this addition. As of now the deputy clerk receiving the initial pleading has to review it to determine the type of claim and then enter the appropriate code in the computer (there are about 80 codes from which to choose). If the deputy clerk enters the incorrect code an incorrect filing fee may be assessed and the Clerk's Office will have to collect or refund the difference. This is not a productive use of time. The civil cover sheet shows the deputy clerk the appropriate code for each type of case. When the deputy clerk enters this code in the computer, the screen will display the correct filing fee. The Clerk will file the pleading even if the cover sheet is not attached; however, the court encourages its use. The civil cover sheet should be available in the Clerk's Office by January 1.

Copies of the revised rules may be obtained from Karen Schwerzler.